MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/2016

URT3612 – COMPUTER AND INFORMATION TECHNOLOGY LAW I

(All Sections / Groups)

10 OCT 2015
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   i. Copyright Act 1987
   ii. Patents Act 1983
   iii. Trade Marks Act 1976
   iv. Electronic Commerce Act 2006
   v. Digital Signature Act 1997

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Amir published a novel entitled 'The Adventures of Imp'. The book has gained immense popularity and has sold more than 100 million copies worldwide in 2014, making it best-selling book of 2014. Sometime in March 2015, Suria claims that Amir has copied her work and wants to sue him for copyright infringement of her 1989 comic book, 'The Legendary Imp'. Suria claimed that she invented the word 'Imp' and like in 'The Adventures of Imp', the main character lives in a small farm with a white dog. Amir has never met Suria and has never heard of 'The Legendary Imp' before.

Advise Amir as to whether his work can be considered as an infringement of copyright.

(25 marks)

QUESTION 2

Sibli Sdn Bhd ("Sibli") is a company which publishes satirical weekly news magazine featuring cartoons and jokes under the names "Sibli Cartoons" and "The Sibli Cartoons Co." Sibli registered its graphic artworks and cartoons to others for display on T-shirts, coffee mugs and other items, many of which are sold at gift stores across the country. Sibli has marketed its cartoons under the "Sibli Cartoons" label for the past fifteen years. On June 12, 2010, Sibli registered the domain name siblicartoon.com, and has operated it as a website ever since. Visitors to the site can download its online magazine and animations and purchase Sibli Cartoons merchandise. Since April 2011, Sibli Cartoons' web traffic has increased exponentially, now averaging over 70,000 visits per month.

In November 2013, Sibli discovered that Durrani, had registered the domain name sibliscartoons.com with the intention to sell T-shirts, coffee mugs and other souvenir item such as fridge magnets and key chains bearing Sibli's graphic artworks and cartoons.

Hundreds of e-mails orders intended for Sibli had been received at Durrani's website. In December 2011, Sibli send 'cease and desist' letters to Durrani regarding the infringing domain name and products. Durrani did not respond to the letter.

Advise Sibli.

(25 marks)

Continued .....

QUESTION 3

According to Section 62(2) of the Digital Signature Act 1997, a document signed with a digital signature shall be as legally binding as a document signed with a handwritten signature, an affixed thumbprint or any other mark.

Explain the meaning of 'digital signature' and its legal effect according to Digital Signature Act 1997.

(25 marks)

QUESTION 4

Fashion Mall Sdn Bhd ("Fashion Mall") is a company specially incorporated to sell fashion goods such as clothing items, accessories and handbags through internet via e-commerce website. In order to capture more customers for their products, Fashion Mall have also advertised their goods on Facebook and Instagram. Apart from purchasing through their website, customer can also purchase via WhatsApp Messenger. Fieza recently contacted Fashion Mall on WhatsApp enquiring about a limited edition handbag priced as RM200. Upon receiving confirmation of the availability of the handbag, Fieza proceeded to make payment through online banking. However, Fashion Mall now alleged that the handbag is actually RM2000 and not RM200. Fashion Mall has also sold the limited edition handbag to another customer.

Advise Fieza of her legal position.

(25 marks)

Continued .....

QUESTION 5

Glovable Bhd ("Glovable") is a company dealing in animal feed manufacturing plant solutions. Glovable was the proprietor of a patent which concerns a feed composition in the form of solid granules for animal feed. It involved a process for preparing such granules using a 1-20 T/H feed complete plant. Glovable wishes to secure a patent to protect its invention and wishes to know whether this invention could be patented in Malaysia.

Advise Glovable with reference to the Patents Act 1983 and case law of the following:

(i) whether the invention meet the criteria laid down in the Patents Act 1983; and

(15 marks)

(ii) whether the invention falls within the exclusion provided under section 13 of the Patents Act 1983.

(10 marks)

(Total: 25 marks)

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